United Nations A/51/PV.93

General Assembly

Fifty-first Session

Official Records

93rd plenary meeting
Thursday, 13 March 1997, 3 p.m.
New York

President: Mr. Razali Ismail ..... (Malaysia)

The meeting was called to order at 3.15 p.m.

Agenda items 33 and 35 *(continued)*

The situation in the Middle East

Question of Palestine

Draft resolution (A/51/L.68)

The President: I call on the representative of Indonesia to introduce draft resolution A/51/L.68.

Mr. Wisnumurti (Indonesia): I deem it a distinct honour and privilege to introduce, on behalf of the sponsors, the draft resolution contained in document A/51/L.68 concerning Israeli settlement activities in the occupied Palestinian territory, in particular in occupied East Jerusalem.

I am pleased to announce in this connection that the following countries should be added to the list of sponsors of the draft resolution: Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Cambodia, China, the Comoros, Guyana, Liechtenstein, the Maldives, Papua New Guinea, the Philippines, the former Yugoslav Republic of Macedonia, Turkey, the United Republic of Tanzania and Yemen.

During the past several days, we have heard widespread expressions of the grave concern of the international community over the decision taken by Israel on 26 February 1997 to embark upon new settlement activities in Jabal Abu Ghneim in Jerusalem. Here at the United Nations, such concern has been reflected in the debates heard in the Security Council last week as well as in this forum since yesterday. Speaker after speaker has categorically rejected the Israeli action as constituting a flagrant violations of resolutions of the General Assembly and of the Security Council, and in particular resolutions 242 (1967), 252 (1968) and 338 (1973), which, *inter alia*, emphasize the inadmissibility of the acquisition of territory by force and consider all measures and actions taken by Israel which seek to change the legal status of Jerusalem as invalid. These speakers have also referred to the decision as being in clear breach of the Fourth Geneva Convention and of other rules of international law. Furthermore, they have consistently taken the position that the decision is contrary to the letter and spirit of the Declaration of Principles and subsequent agreements, not least because it seeks to pre-empt the outcome of permanent status negotiations by changing the legal status and demographic composition of Jerusalem.

They maintain that Israel's decision violates the atmosphere of mutual trust and confidence required if the peace process is to have a successful outcome. The Assembly has taken up this situation because of the failure of the Security Council to take the necessary measures to address the issue, despite the wishes of the overwhelming majority of its members. It is therefore incumbent upon the General Assembly, which represents the international community, to pronounce itself in no uncertain terms on this question, in keeping with its responsibility under the Charter.

97-85255 (E)

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By the terms of the preambular paragraphs of the draft resolution, the General Assembly would express its deep concern at Israel's decision to establish new settlements in the Jabal Abu Ghneim area in East Jerusalem. It would also express concern at other measures whose objective is to promote new settlements. It would emphasize the illegality of such settlements, which constitute a major obstacle to peace. In recalling the relevant resolutions adopted by the General Assembly and the Security Council on Jerusalem, the draft resolution would reaffirm that all legislative and administrative measures, as well as actions taken by Israel, which are intended to alter the status of that city, including expropriation of land and properties thereon, are invalid and cannot change that status. It would furthermore reaffirm the General Assembly's support for the ongoing Middle East peace process and the agreements reached, including the recent Agreement on Hebron. The General Assembly would also express its concern about the difficulties facing the Middle East peace process, including their impact on Palestinian living conditions, while urging the parties to fulfil their obligations, including those under the agreements already reached.

Under operative paragraph 1, the General Assembly would call upon the Israeli authorities to refrain from all actions or measures, including settlement activities, which alter the facts on the ground, pre-empt the final status negotiations and have negative implications for the Middle East peace process. Under operative paragraph 2, the Assembly would call upon Israel, the occupying Power, to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to all the territories occupied by Israel since 1967. Operative paragraph 3 contains a call on all parties to continue, in the interests of peace and security, their negotiations within the Middle East peace process on its agreed basis and also to continue the timely implementation of the agreements reached. Finally, the General Assembly would request the Secretary-General to bring to the attention of the Government of Israel the provisions of the resolution.

The sponsors regard the draft resolution as a reasonable, balanced and appropriate response to Israel's decision. It contains provisions whose implementation would make a significant contribution towards reversing the dangerous situation caused by Israel's ill-conceived action. We are convinced that the adoption of this draft resolution would be invaluable in ensuring that the peace process remains on track. Finally, the draft resolution as a whole represents a reaffirmation of the permanent responsibility of the United Nations on the question of Palestine.

For these reasons, the sponsors recommend the adoption of the draft resolution by the Assembly.

The President: We shall now proceed to consider draft resolution A/51/L.68.

I shall first call on those representatives who wish to make statements in explanation of vote before the voting.

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Peleg (Israel): This draft resolution is one-sided and biased. It singles out Israel and is detrimental to the Middle East peace process.

Today Israel mourns the six schoolgirls and their teacher who were murdered this morning in the Jordan Valley. This terrible crime reinforces our belief that the only way to promote peace in the Middle East, to support the political process and to fight terrorism is through direct talks. This is the only proven method for peacemaking in the Middle East. Needless debates far removed from the realities of the region have never contributed to settling the contentious issues between Israel and its Arab neighbours.

Israel welcomes the positive support of the United Nations for the peace process, as expressed by General Assembly resolution 51/29, entitled "Middle East peace process". International support for the peace process can be useful, but only when it is in concert with the efforts of all the parties involved, with a view towards building a consensus.

It is difficult to comprehend that countries that wish to play a more active role in the Middle East peace process are rushing to support and even sponsor such a blatantly one-sided draft resolution. Their actions are completely incompatible with their wishes.

Israel will therefore vote against this draft resolution, and it calls on Member States that support the peace process in the Middle East to do the same.

Mr. Biørn Lian (Norway): Since the beginning of the peace process in the Middle East, Norway has

attempted to facilitate mutual understanding and cooperation between the Israeli and Palestinian leaders and peoples. Norway therefore remains very concerned regarding the loss of momentum in the peace process shortly before the scheduled resumption of final status negotiations. We voiced this concern in our intervention in the Security Council on 5 March, when we also urged the Israeli Government to reconsider its decision to establish a new settlement in Jabal Abu Ghneim/Har Homa in East Jerusalem. Norway will therefore vote in favour of the draft resolution before us.

We do, however, believe that it is the duty and responsibility of the parties themselves to solve the current crisis and agree on the outstanding issues. Recently, the parties have demonstrated their commitment to the peace process, particularly with the signing and implementation of the Hebron protocol.

Today, therefore, we again call on the parties to show restraint, to respect and implement both the letter and the spirit of the Oslo agreements and to work together towards a lasting and comprehensive peace in the Middle East. Norway stands ready, as always, to help them reach this all-important goal.

Mr. Hamdan (Lebanon) (*interpretation from Arabic*): The delegation of Lebanon will vote in favour of the draft resolution. The Israeli measure contravenes norms of international law, especially the provision that prohibits the acquisition of land by force. It also violates The Hague Rules of 1907 and the Fourth Geneva Convention of 1949, which prohibit an occupying Power from altering the demographic or physical status of occupied territories.

However, we had hoped that the draft resolution would note explicitly that the Israeli measure also violates the foundations of the peace process under the Madrid formula, which is rooted in Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and the principle of land for peace.

The Government of Israel took its decision to build the new settlement without taking into consideration the demands of the Arab party, even though that party strongly opposed the measure. Israel claims that it took this action in exercise of its sovereign rights. In other words, Israel has refused and continues to refuse to acknowledge that East Jerusalem and the areas surrounding it are occupied territories and hence subject to the provisions of Security Council resolution 242 (1967), which the Council adopted following the 1967 war.

We consider that to respond mildly to this Israeli action would, irrespective of any other considerations, have dire consequences for the peace process. It would unquestionably send signals that would encourage extremist policies in Israel, policies that we consider as solely responsible for acts of violence in the region, which claim a daily increasing number of innocent victims.

My delegation views the United Nations as reflecting the collective conscience of the world. The United Nations is the mechanism that protects the defenceless from the oppressor. It is the forum for the consolidation of the norms of international law governing international relations.

We regret that the Security Council failed to adopt a draft resolution on this subject owing to the exercise of the veto power by a permanent member. We hope that the General Assembly will adopt a collective position like that manifested during the Security Council debate, in order to make clear its position that this Israeli action is null and void.

Mr. Guillén (Peru) (*interpretation from Spanish*): My delegation has repeatedly joined in sponsoring General Assembly draft resolutions on the Middle East peace process. We have always aimed to strengthen the process, and consider that we have the duty to state our position clearly whenever the process encounters obstacles. As the Security Council failed to adopt a draft resolution on the present matter, we think it is necessary for us to support the draft resolution before the General Assembly today. We wish to place on record that, for Peru, the peace process should aim at the achievement of a just and lasting peace, with respect for internationally recognized boundaries; international agreements and treaties must be respected.

My delegation said yesterday that it was important and essential to refrain from all violence at this time. We continue to believe firmly that it is important and essential to maintain peace and comply with the norms of law and justice.

The President: We have heard the last speaker in explanation of vote before the voting. The General Assembly will now take a decision on draft resolution A/51/L.68, entitled "Israeli settlement activities in the occupied Palestinian territory, in particular in occupied East Jerusalem".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Egypt, El Salvador, Estonia, Finland, France, Germany, Ghana, Greece, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zimbabwe

Against:

Israel, United States of America

Abstaining:

Marshall Islands, Micronesia (Federated States of)

The draft resolution was adopted by 130 votes to 2, with 2 abstentions (resolution 51/223).

[Subsequently, the delegations of Saint Kitts and Nevis and Saint Lucia informed the Secretariat that they had intended to vote in favour.]

The President: I shall now call on those representatives who wish to make statements in explanation of vote. I wish to remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Richardson (United States of America): The United States shares the concerns expressed by many countries during the debate in this Hall on the issue of construction by the Government of Israel in the Har Homa/Jabal Abu Ghneim area of Jerusalem. I believe that the views of the United States are well known in this matter. Let me take this opportunity to restate them.

We believe that the decision of the Government of Israel to commence construction at Har Homa/Jabal Abu Ghneim runs counter to the progress and achievements of the parties to date. We do not believe such activity is helpful to the peace process.

As President Clinton said earlier, we would have preferred that this decision had not been made. It undermines the trust and confidence so badly needed in creating the appropriate environment for successful negotiations, especially on the difficult issues involved in the permanent status talks, such as Jerusalem and settlements.

Let me emphasize this latter point, because it is absolutely critical. To achieve a just, lasting and comprehensive peace in the Middle East requires an honest negotiating process, one in which the parties do nothing to pre-empt, prejudge or predetermine talks over any of the issues the parties themselves have decided will be addressed in permanent status negotiations. The decision on Har Homa/Jabal Abu Ghneim does just the opposite. We regret that it was taken.

States Members of the United Nations are understandably moved by a desire to express their views on this situation. But we must take great care to respond to developments in a constructive way that will bolster the negotiating process, not limit prospects for the successful conclusion of permanent status talks. We have never believed, despite the useful role the United Nations can play and has played in working for Middle East peace, that it is an appropriate forum for addressing the issues now under negotiation between the parties.

The record of the last few months proves that the parties themselves, working together, can resolve the many outstanding issues now before them. For example,

against long odds and despite considerable political controversy, they succeeded in reaching agreement on Hebron. Israel has announced its first phase of further redeployment from areas of the West Bank. This decision on the first phase represents a serious expansion of Palestinian authority. It is only the first step in a three-phase process, and we hope the Government of Israel will do more in the second and third phases. At the same time, Palestinians and Israelis have agreed to immediate and parallel negotiations on the Gaza airport, safe passage, and other issues.

The General Assembly ought not to interject itself into this process; that can only build mistrust and harden the positions of both sides, while interfering with the progress the parties are making on their own.

Instead, we believe that the international community should reiterate its support for the achievements of the partners today and respect their commitment to work together towards their common goal — a peaceful and prosperous Middle East — without the interference of outside parties.

This is what the General Assembly has done in its annual resolution expressing support for the Middle East peace process, an example of the kind of strong, positive contribution the United Nations can make to peace in the region. The resolution today, however, contradicts this spirit of support and encouragement, inappropriately involves the General Assembly in permanent status issues and makes the work of the negotiating partners that much harder. Consequently, the United States voted against this resolution.

Let me take this opportunity to extend the condolences of my Government to those people in Israel who lost family members in the horrific attack on schoolgirls near the Jordan River today. As Secretary Albright said this morning, the death of children is particularly tragic because it is through the peace process that we are trying to create a better future for them. Violence can never be the answer. It can only produce more victims.

Mr. Camacho Omiste (Bolivia) (*interpretation from Spanish*): The delegation of Bolivia would like to explain its vote on the resolution entitled "Israeli settlement activities in the occupied Palestinian territory, in particular in occupied East Jerusalem".

The delegation of Bolivia voted in favour of the resolution considered under General Assembly agenda items 33 and 35, in keeping with the decisions of the United Nations and particularly Security Council resolution 242 (1967), which is based on the principle of the inadmissibility of the acquisition of territory by force.

Bolivia's foreign policy is committed to the building of a just and peaceful international society based on friendship and cooperation. In keeping with these principles, Bolivia supports the peace process in the Middle East region.

My Government, in a fraternal spirit, hopes that the parties involved in the process referred to in the resolution just adopted will reach agreements that will accommodate the interests of all concerned and enable a just and lasting peace to be established. To this end, it is essential to create conditions that will engender mutual trust and the right climate for negotiation, on the basis of the agreements reached and the need to find a lasting solution to the most serious problems inherited from the past. International law and negotiation should be the instruments used to ensure that justice prevails once again.

Mr. Fowler (Canada): Canada is deeply saddened and shocked by the attack against innocent Israeli schoolchildren today in Jordan, and we too extend our condolences to their families. Such deplorable acts of violence must not be allowed to derail the peace process. We believe that maintaining the current peace process is essential, and we hope that the parties will resume negotiations shortly towards the achievement of a just, lasting and comprehensive peace based on Security Council resolutions 242 (1967) and 338 (1973).

Canada voted in favour of the resolution just adopted. We note, however, that both parties involved in the peace agreements have obligations, and we would have preferred to see that reality reflected more fully in the resolution.

As Canada noted in its 6 March statement before the Security Council, the construction of a lasting peace requires that all parties refrain from unilateral actions that would prejudice the outcome of final status negotiations. In this regard, it is Canada's view that the recent decision of the Government of Israel to proceed with the construction of an Israeli settlement in Har Homa/Jabal Abu Ghneim undermines the trust that is the very foundation of the peace process. Canada views settlement activity as a violation of international law and as harmful to the peace process.

Mr. Wehbe (Syrian Arab Republic) (*interpretation from Arabic*): It was only natural for my delegation to vote in favour of the resolution just adopted, because Israel's action contravenes international law and violates the Fourth Geneva Convention of 1949 and the Hague Convention, which prohibit the occupying Power from changing the demographic status of Jerusalem. We would have preferred the resolution to have mentioned that Israel's settlement activities, be they the construction of new settlements or the expansion of existing ones, are null and void, in accordance with the relevant Security Council resolutions.

In this connection, we must express our admiration and appreciation for the European position on these settlements and on the status of Jerusalem. Indeed, the latest European communiqué states that as East Jerusalem is subject to the principles set out in Security Council resolution 242 (1967), notably the inadmissibility of territorial acquisition by force, Jerusalem is not under Israeli sovereignty, but is an occupied Arab territory.

My Government opposes the Israeli settlement activities in Jabal Abu Ghneim, as well as the earlier ones in the West Bank and Golan. It is of the view that the construction of settlements in the occupied territories clearly runs counter to the principles of international law, represents a major obstacle on the road to peace, and could abort that process and favour a return to tension and violence.

The United Nations is the appropriate international forum to consider such important issues; otherwise, why are we here? The fact is that Israel, while advocating peace, has erected successive obstacles in its path. Peace cannot go hand in hand with settlement and violence. If Israel wants peace, it will have to pursue the peace process on the basis of the Madrid principles, the relevant Security Council resolutions and the principle of land for peace.

It is unfortunate that the world must send a message that Israel's settlement activities are illegal and undermine the peace process without the adherence of a permanent member that exercised its veto power despite being a sponsor of the peace process and despite having made praiseworthy efforts towards peace over the last five years. This gives Israel a green light to continue its settlement activities. We hope that the United States of America will reconsider its position and move towards progress in the peace process, in view of the historic importance of the international position against the settlements.

Syria aspires to a comprehensive peace based on justice, one that guarantees human dignity and rejects humiliation, settlements and occupation. We want the peace process to resume from the point where the previous Israeli Government left it.

The President: We have heard the last speaker in explanation of vote after the vote.

I now call on the representative of Mauritania, who wishes to speak on a point of order.

Mr. Ould Sid'Ahmed (Mauritania): For technical reasons, my delegation could not take part in the voting on resolution 51/223, just adopted by the General Assembly. Had it been able to do so it would have voted in favour of the resolution, which my country indeed co-sponsored.

The President: I now call on the representative of Vanuatu, who wishes to speak on a point of order.

Mr. Ravou-Akii (Vanuatu) (*interpretation from French*): My delegation could not participate in the voting for reasons related to Article 19 of the Charter of the United Nations, as we have not paid our arrears to the budget of the Organization. Had we been able to vote, we would have supported the resolution, just as we have supported previous resolutions dealing with the Middle East peace process.

The President: In accordance with General Assembly resolutions 3237 (XXIX) of 22 November 1974 and 43/177 of 15 December 1988, I now call on the Observer of Palestine.

Mr. Al-Kidwa (Palestine) (*interpretation from Arabic*): I would like to express our deep appreciation to all Member States that voted in favour of the resolution adopted by the General Assembly this afternoon. Their support reflected the almost unanimous support of the international community and the Member States of the United Nations. In the adoption of this resolution, 57 Member States voted in favour of such a resolution for the first time, and we would like to pay special tribute to those States. This resolution was supported by all but two Member States, though two others abstained and a number of Member States could not exercise their right to vote in the General Assembly.

There is therefore a clear, universal position that includes many friends of Israel. This sends a clear,

unmistakable message to all parties. The first element of that message is that Israel should stop its plans to construct the Jabal Abu Ghneim settlement and refrain from further settlement activities. The second element is that the United Nations, the General Assembly and the Security Council have a central role to play, in keeping with the responsibilities of the United Nations under the Charter, especially when Israel, a Member State, violates international humanitarian law, relevant United Nations resolutions and the bilateral agreements reached within the framework of the peace process.

We are hopeful that the Government of Israel will fully understand the significance of this message and will indeed refrain from constructing the Jabal Abu Ghneim settlement. Regrettably, the Government of Israel announced yesterday that it would go ahead with the construction next week. If this were to happen, it would represent another act of defiance of our collective will and another act of disdain for the position of the international community. It would confirm that Israel is the only State in the world that openly disregards international law and rejects Security Council and General Assembly resolutions.

The resolution just adopted by the General Assembly provides us with a new opportunity. We hope that this opportunity will lead to positive results so that we can avert all potential problems and difficulties and go back hand in hand to build up the peace process. However, we must say in no uncertain terms that if Israel turns down this new opportunity and if the construction plans to build the Jabal Abu Ghneim settlement are implemented, we will go back once again to the Security Council. We will not disappear or cease to claim our legitimate rights on behalf of our people. The major difference now lies in the fact that this time we are armed with the resolution adopted this afternoon with the almost universal approval of the international community.

We hope that in these circumstances the Security Council would vote unanimously and in so doing fulfil its obligations. That would be our final chance to avert an explosion and provide an opportunity to maintain and preserve the peace process.

I would like to reiterate once again our appreciation to all Member States that voted in favour of the resolution adopted this afternoon, for the just position reflected in it and for all other aspects of support.

In closing, I would like to state that we, too, stand against what happened today in the Jordan Valley. Our political commitments are very clear, but we must all work towards putting an end to all that is negative and harmful in order to build a just peace emanating from the agreements reached on the basis of international law. Let us work together towards building that just, lasting and comprehensive peace in the Middle East region.

The President: I call on the representative of the Netherlands on a point of order.

Mr. Biegman (Netherlands): I would not have asked to speak again on behalf of the European Union were it not for the horrific shooting incident that took place today on the border between Israel and Jordan, in which six Israeli schoolgirls and their teacher were killed and another six wounded.

We are shocked and grieved that, once again, innocent civilian lives have fallen victim to senseless violence caused by one misled individual. We extend our most sincere condolences to the bereaved families of the victims as well as to the Government and people of Israel.

The President: I call on the representative of Jordan on a point of order.

Prince Zeid Raid (Jordan): In reference to the events of this morning, I would like to express, on behalf of the Government of the Hashemite Kingdom of Jordan, our deepest sorrow for the terrible tragedy that befell a group of Israeli children along the Jordanian-Israeli border. My Government has deplored unreservedly this criminal act — an act perpetrated by one individual for reasons as yet unknown, but which has shocked and offended the conscience of each and every one of us. The Government of Jordan has, of course, extended its heartfelt condolences to the families of the young victims as well as its wishes to the injured for a speedy recovery.

The President: We have concluded this stage of our consideration of agenda items 33 and 35.

The meeting rose at 4 p.m.